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Chair

Mrs. Deborah Schulte

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● (1105)

[*English*]

The Chair (Mrs. Deborah Schulte (King—Vaughan, Lib.)): I'm going to bring the meeting to order, if I could, please.

Before I introduce the minister and her panel, I just want to let the committee know that I'm very appreciative that the minister has come back. This will be the second time she is in front of the committee on this bill, Bill C-69, and that's unusual. She's being generous.

I want to make sure the committee appreciates that it is unusual for a minister to come back on one bill. The reason she is back in front of us is that there were issues raised about the need to ask her specific questions relevant to the testimony we heard over the last couple of weeks on Bill C-69, and possibly some amendments may be brought forward. We have seen many. I think we have several hundred to look at.

I usually am very generous, but today I'm going to be very strict. I want to make sure we stay on target with the questions on Bill C-69, because that's what she's here for.

To get started, I'd like to introduce, obviously, the minister.

Thank you very much for coming back in front of us.

We have Jonathan Wilkinson, MP, North Vancouver, and the parliamentary secretary. We have Ron Hallman, president, Canadian Environmental Assessment Agency; and Stephen Lucas, deputy minister, Department of the Environment.

I welcome you, and I give you the floor.

Thank you.

[*Translation*]

Hon. Catherine McKenna (Minister of Environment and Climate Change): Thank you, Madam Chair.

I would also like to thank the members of the committee.

[*English*]

Thank you to our amazing chair and also to the members of the committee. I really do appreciate all the hard work you do on this committee.

Of course I'm thrilled to be here with Jonathan Wilkinson, who, as you all know, is my parliamentary secretary; Stephen Lucas, who is the deputy minister of Environment and Climate Change; and Ron Hallman, president of the Canadian Environmental Assessment Agency.

I want to thank you again for the invitation to return to talk about Bill C-69. I know we all care greatly about how we do environmental assessments and about making sure we rebuild trust in them.

Before I start, I want to recognize that we're on the traditional territory of the Algonquin and Anishinabe peoples. In my job, it is extremely important that we partner with indigenous peoples—our first nations, our Métis, and Inuit peoples—who care greatly about our land, our waters, and our air. I think you will see that reflected in Bill C-69.

[*Translation*]

First of all, I really appreciate the hard work of all the committee members.

Reviewing a bill that is of interest to so many Canadians is not a small undertaking. I also want to reiterate the values that guided our work in getting to this point and share with you some perspectives from Canadians since my last appearance.

[*English*]

The legislation we introduced earlier this year aims to restore public trust in how the federal government makes decisions about major projects, like mines, pipelines, and hydro dams.

These better rules are designed to protect our environment, improve investor confidence, strengthen our economy, and create good middle-class jobs. They will also make the Canadian energy and resource sectors more competitive. With these better rules, we are working to build on Canada's strong economic growth and historic job numbers.

The Government of Canada is committed to ensuring that Canada's major projects are developed in a way that is informed by rigorous science, evidence, and indigenous knowledge. They must also be consistent with Canada's climate plan, protect our rich natural environment, respect the rights of indigenous peoples, and support our economy.

Our priority remains to effectively advance both Canada's economic progress and our environmental responsibilities. These values are at the core of Bill C-69.

[*Translation*]

Ultimately, we want to restore the trust of Canadians in how major projects are reviewed. There will not always be unanimous views on the outcome of a project decision, but if the process and foundation on which those decisions are made is stronger, trust in the outcomes will be as well.

[*English*]

Bill C-69 was informed by the views and inputs of Canadians. For over 14 months we heard from Canadians from coast to coast to coast on the best ways to improve current environmental and regulatory processes.

I'm very proud of the balanced perspective we were able to achieve in the bill. I'm hoping that this balance also guides you in your work as you review the many submissions you've received and the testimony of witnesses who have appeared before you, each with a different perspective on what will work and where improvements are needed.

Since the bill was introduced in February I've also continued engaging with stakeholders, provinces, indigenous peoples, environmental groups, and citizens from across the country at every opportunity. I wanted to hear the views of those of you directly affected by the bill and explain how the new process would work.

As you know, not all elements of the new system are detailed in legislation. Regulations and policies are required to support and operationalize the legislation. We are currently consulting Canadians on the project list and information and time management regulations. I encourage all Canadians, from indigenous peoples to industry to environmental groups, to provide their input to inform these regulations.

I'd now like to share some of the views I have heard.

Overwhelmingly, Canadians want us to restore public trust in the way the federal government makes decisions about major projects such as mines, pipelines, and hydro dams. When it comes to resource development, you can't get very far if people don't trust the rules and the way governments make decisions. The same goes for companies. They need to know what's expected of them from the start and that the process will be predictable, timely, and evidence-based.

That's why our top priority, with the changes we're proposing, is to increase transparency and rebuild trust.

To rebuild this trust, we are creating better rules. The bill incorporates a number of transparency measures, from making more information available to the public to specifying factors to be considered in decision-making to clearly communicating the reasons behind decisions. Canadians and stakeholders have noted the importance of public participation and accessible, transparent information. This bill helps everyone understand and participate more fully in the process.

● (1110)

[*Translation*]

Stakeholders have told us that rebuilding trust requires clarity about what will be considered in assessments and in making decisions.

Bill C-69 restores robust oversight and thorough impact assessments that take into consideration not only the negative environmental effects of a project, but also the environmental, economic, health and social impacts.

Impact assessments will also consider how projects are consistent with our environmental obligations and climate change commitments, including with the Paris Agreement. A big part of this is better understanding the broader environment outside of individual project reviews. Some stakeholders were wondering if the government will ever conduct strategic or regional assessments, given this is possible under current legislation.

We will soon launch a public engagement process on our first-ever strategic assessment on climate change, which will provide guidance on how to consider greenhouse gas emissions in individual project reviews.

We also heard from companies that they are looking for more clarity and certainty about the process.

[*English*]

The proposed legislation provides a clear, timely process so that project proponents know what's expected of them and when. A predictable and timely process is key to getting good projects built and encouraging investment in Canada.

I also heard that companies need to know how the transition to the new system will work. Industry associations and companies with projects in the system would like clear rules and indications of which assessments currently under way would continue under former legislation and which would be subject to the new impact assessment act.

Legislated timelines will also provide regulatory certainty and ensure that the process is both faster and more efficient. We've heard from industry, indigenous peoples, and environmental groups that it's important that there is enough time to carefully consider science, evidence, and indigenous traditional knowledge. That's why this bill provides a predictable, time-bound process, from early planning through to the decision, to ensure that companies know what to expect and when, and that they are not held up in an impact assessment process.

With a goal of one project, one review, we will coordinate with provinces, territories, and indigenous jurisdictions to reduce red tape for companies and avoid duplication of efforts in reviewing proposed projects. The new impact assessment agency of Canada will work with other bodies, such as the Canadian energy regulator, the Canadian Nuclear Safety Commission, and the offshore boards to conduct reviews that will integrate both the impact assessment process and regulatory review requirements.

The new legislation also provides the offshore boards with a greater role in project reviews, which is consistent with other life-cycle regulators.

● (1115)

[*Translation*]

I also heard from many indigenous organizations that it is important that their rights are recognized and respected, and that we work in partnership from the outset.

This is exactly what Bill C-69 will accomplish.

[*English*]

I want to highlight that the bill makes it mandatory to consider indigenous knowledge, when provided, alongside science and other evidence. It also provides protection of that knowledge to build the trust needed to share such information. We will also increase the funding available to support indigenous participation and capacity development related to assessing and monitoring the impacts of projects.

Another significant advancement under this bill will be that indigenous jurisdictions will have greater opportunities to exercise powers and duties under the new impact assessment act. My discussions with indigenous peoples have confirmed to me how important this is, as is our commitment to the United Nations Declaration on the Rights of Indigenous Peoples.

[*Translation*]

I look forward to the end result of this committee's work to consider ways to strengthen the bill even further. Better rules will restore confidence that good projects can move forward in a responsible, timely and transparent way, while also protecting our environment and building a stronger economy for Canadians.

[*English*]

Thank you again for inviting me, and for the important work you are doing.

The Chair: Thank you very much, Minister.

Before I go to questions, I want to recognize some new faces around the table. I would like to welcome MP Sylvie Boucher. We have Ms. May and Madame Pauzé. Welcome back. We have James Maloney, chair of the natural resources committee; Kim Rudd, parliamentary secretary to Jim Carr; and Sean Fraser. We have lots of new faces at the table.

We will start with James Maloney, please, for the first question.

Mr. James Maloney (Etobicoke—Lakeshore, Lib.): Thank you, Chair. Thank you for allowing me to be here and for giving me time. I'm sharing my time with Mr. Fraser, so I'll try to get right to the point.

Minister, thank you again for being here today. As the chair has pointed out, I'm here as chair of natural resources because of the importance that the proposed changes in Bill C-69 have to stakeholders.

In my capacity sitting on that committee, we hear from stakeholders on a regular basis. I meet with them regularly. These are stakeholders, NGOs, organizations, and one of the issues that comes up time and time again is this issue of restoring trust and certainty, which you talked about. Timelines, predictability, and schedules on these projects have been major stumbling blocks, and have led to a lack of confidence. They are very interested in Bill C-69 for that reason.

I know you have consulted with the stakeholders along the way. We've heard from many of them after the bill came out in this committee.

I am wondering if you could shed some more light on the background and how you see Bill C-69 addressing these concerns and restoring that trust.

Hon. Catherine McKenna: Thank you very much.

Thank you for your hard work on the natural resources committee.

It's important that we rebuild trust, and included in that is providing certainty to proponents. We know we need to make sure we're making decisions based on good science, on evidence, and on traditional knowledge. We also know that we need to provide certainty to proponents about how the system works.

In terms of the timelines, which I think is a really important point —I have heard the comment that providing certainty on timelines is important—we've done two things. One, on the front end, we've said we need better early planning and engagement, because if you can address concerns and problems, hear from communities and from indigenous peoples, you can work with provinces to align timelines with them. We have the principle of one project, one review, and if you can figure out the permitting process, you will get to a better spot when you get into the system. Early planning and engagement create more efficiency on the back end.

Two, our bill proposes stricter timeline management and fewer stops of the legislative clock. I think it's important to point out that we're shortening legislated timelines for the impact assessment phase for agency-led assessments from 365 to 300 days. Timelines for panel-led assessments would be reduced from 720 days to 600 days, which is from 24 to 20 months. The timelines for non-designated projects reviewed by life-cycle regulators would be reduced from 450 to 300 days.

Let me emphasize that the reason we are able to do that is that a lot of the hard work and engagement will be done on the front end, which will lead to more certainty and structured timelines on the back end so that we can get to better decisions.

Thank you.

● (1120)

Mr. Sean Fraser (Central Nova, Lib.): Thank you very much, Minister.

It's a natural segue from Mr. Maloney's questions to the topic I'd like to hit on.

As a starting point, in my view, we have to determine what level of environmental protection our laws are going to provide before we get into what projects are going to be approved. While we're putting in timelines and rules that ensure investor certainty, I also want to flag that this bill is very important in building public confidence in our environmental laws. Can you tell me how this bill is going to enhance public confidence so that Canadians know that while these projects that grow our economy get off the ground, our environmental laws are not going to be compromised?

Hon. Catherine McKenna: Thank you very much, because obviously that's a critical point. The whole reason we're doing this is that it was a commitment made by our government to Canadians that we would rebuild the trust in the system that was sorely lost under the previous government. There was a sense that decisions were not being made based on science and evidence, but on politics. There wasn't proper consultation with communities, nor engagement with indigenous peoples, which didn't help get projects going ahead.

In our new system, the proposed system, the idea is that you make decisions based on science and indigenous knowledge and facts. That's critically important. We are committed to evidence-based decision-making, so you need to have that as part of it. We've also put forward that only a single agency would do environmental assessment. It would be the impact assessment agency of Canada. We think this is much better because that will make sure a clear process is followed all the time. It will also help with efficiency.

We believe there needs to be earlier public engagement as well as partnership with indigenous people. The early engagement process is critically important. We've moved to a sustainability task, so we're looking at how we can look at a variety of factors, not just environmental factors but factors that would look at the impact on indigenous peoples and also the economic benefits of a project and the health impacts. We think that is how you can rebuild Canadians' trust, how you can show you're listening to Canadians, and how you can provide better certainty for proponents.

In the end we also want to make sure, when we make decisions, that there's transparency, so we will now have reasons for decisions. Previously, a press release would announce the decision, and we believe that Canadians are entitled to understand on what basis the government would make sometimes quite challenging decisions, and what science, evidence, and knowledge they were based on.

Mr. Sean Fraser: Madam Chair, is there any time remaining?

The Chair: No.

Mr. Sean Fraser: Okay. Thank you very much.

The Chair: You had seconds, but I don't think it's worth starting another question round.

Mr. Fast.

Hon. Ed Fast (Abbotsford, CPC): Thank you very much.

Minister, welcome back to our committee.

I want to focus on proposed subsection 22(1) of the bill, which reads, "The impact assessment of a designated project must take into account the following factors". Here's one of the factors: "the extent to which the effects of the designated project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change".

Minister, would you agree with me that one of those commitments is the targets we set in the Paris Agreement, yes or no?

Hon. Catherine McKenna: Thank you very much.

We've been clear that when we do environmental assessments, we need to be taking into account our climate change plan and our commitments.

Hon. Ed Fast: Okay. Thank you.

Hon. Catherine McKenna: I would indicate that the Conservatives have also supported the Paris Agreement. That's a good step.

● (1125)

Hon. Ed Fast: We have. Thank you for putting that on the record.

Would you agree with me that the success of the different tools you're using under the pan-Canadian framework on climate change will drive how close we get to our Paris targets?

Hon. Catherine McKenna: I'm not entirely sure I understand the question. Do we have a plan so that we can do what everyone in Parliament voted for, which was to meet our international commitments? The answer to that is yes.

Hon. Ed Fast: All right. One of those tools that you're using is a national carbon price. Is that correct?

The Chair: I'm going to interrupt. I know you brought it specifically to the act that we're studying. However, we are delving into not the act but we are delving into the pan-Canadian framework, not the bill.

Hon. Ed Fast: We're talking about the pan-Canadian framework on climate change that the government brought forward.

The Chair: Can you relate that back to the bill?

Hon. Ed Fast: The minister has already indicated that there are a number of tools she is using under that framework to allow Canada to meet its Paris emissions targets. The section I quoted says that a project will be evaluated taking into account the impacts that the project will have on our Paris Agreement targets and other commitments.

The Chair: I understand that and I appreciate that, but you were delving into actually—

Hon. Ed Fast: I am going to be delving into the carbon tax. This government has not been transparent about what the carbon tax means for Canadians. The carbon tax is an essential element of the pan-Canadian framework on climate change. In fact, her officials have said it's a foundational element of that plan.

The Chair: I don't deny that it's an essential element, but it's not an essential element in studying this bill. That's what I'm trying to give us the air time to do, to ask the minister questions specific to the bill that we're studying today.

I know we have a great relationship and I know that we have good respect. I would just like you to make sure that we're delving into the aspects of the bill that's on the table today.

Hon. Ed Fast: You just said we're not talking about the bill, that we're talking about the pan-Canadian framework on climate change. Now you're back to saying we're talking about the bill.

The Chair: No, we're talking about the bill.

Hon. Ed Fast: Well, you said something else just a couple of seconds ago, and I'm talking about the bill as well.

I have referenced the section of the bill that says every single project is going to have to be evaluated in terms of the impact the project will have on the climate change targets that Canada has committed to, and the degree to which a project will move forward will be driven by the fact that the tools that are being used are either successful or not. One of the foundational tools within that plan is a carbon tax.

Madam Chair, if you're going to shut me down when this is completely relevant to the pan-Canadian framework on climate change and the legislation that we have before us, and impacts the likelihood of whether a project will proceed or not, then this cover-up is getting worse than Canadians imagine.

We've asked question after question of this government about what impact the carbon tax will have on emissions in Canada and how much it will cost Canadians. Now you're telling me that you cannot allow me to have questions—

Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.): Madam Chair, on a point of order, can we just allow the minister to please answer the question? Thank you.

Hon. Ed Fast: Thank you.

The Chair: Go ahead.

Hon. Ed Fast: My question is that in regard to the section I referenced, which requires every project to be evaluated in terms of the impact it will have on our climate change plan, if your carbon tax is not as successful as you suggest it is, would you agree that it may be less likely that projects in the future will not be approved because the rest of the tools in your plan are not achieving their desired goal?

Hon. Catherine McKenna: Obviously, your question isn't directly on point to Bill C-69. However, I want to then commend—

Hon. Ed Fast: Actually, it is.

Hon. Catherine McKenna: —your party for supporting action on climate change and our international obligations. Therefore, you should support the fact that we need to look at this legislation and we need to look at projects in the context of our international commitments, which you support.

There will be an opportunity for Canadians to weigh in on the strategic assessment of climate change. We've committed to doing a strategic assessment. It's an opportunity to provide clarity to proponents, to stakeholders, and to the agencies as to how climate change will be considered in project assessments. Once again, given that—

● (1130)

Hon. Ed Fast: Minister, that wasn't my question.

Hon. Catherine McKenna: —the Conservative Party has supported our international commitments, I'm very pleased—

Hon. Ed Fast: Mine was a yes-or-no question.

Mr. Mike Bossio: Chair, I have a point of order.

Hon. Ed Fast: You're running out my time.

Mr. Mike Bossio: Once again, can you please allow the minister to answer the question? Thank you.

Hon. Ed Fast: Madam Chair, the time that's allocated to me, which I believe is—

The Chair: You have the full time, and I have not denied any time.

Hon. Ed Fast: This is my time. I allow the minister to answer the questions, but when she's running out the time I have available to ask her my questions, then I will be objecting and interrupting.

The Chair: Okay. I was—

Mr. Mike Bossio: On a point of order, Chair. Can we please allow the minister to answer the question? Thank you.

The Chair: Just hold on a minute, if you don't mind. I am the chair. I was generous, but I also want the questions to be specific to Bill C-69, and I made that point clear at the beginning of the meeting.

I was asked by a colleague to give the minister a chance to answer it. I'm actually still ruling it out of order because it is not specific to Bill C-69. It's specific to the pan-Canadian framework, and that's not what we're discussing here today.

Hon. Ed Fast: Actually, it is.

The Chair: We're discussing the bill.

Hon. Ed Fast: I've pointed to the exact piece of legislation, which —

The Chair: You are making a connection.

Hon. Ed Fast: —actually incorporates reference to the broader plan and the impact the different tools will have.

The Chair: I'm not going to debate it. I understand you're making the connection, but this opportunity was for the minister to explore the bill in front of us today. I understand you're making a connection in saying that it has a relation to the decisions being made for Canada, but that is not the bill.

Hon. Ed Fast: Yes, it is the bill.

The Chair: Let's give the minister one last chance to wrap it up.

Hon. Ed Fast: She has already.

The Chair: Let's finish it. Let's finish with the minister.

Hon. Ed Fast: She's running out my time, Madam Chair.

The Chair: She isn't. I haven't taken your time. It's still stopped. We're going to start it now to see if she'd like to give a specific answer, and then we'll move on to the next question.

Hon. Catherine McKenna: I'd just like to again confirm that, because the Conservative Party of Canada has supported meeting our international obligations under the Paris Agreement, I would assume that the party would also support the Government of Canada's ability to meet its environmental obligations and support that the commitments in respect to climate change be considered in any project review.

The Chair: Okay. Next question.

Hon. Ed Fast: Directly to the point, Minister, I have in my hands a report produced by your department that claims that your carbon tax will reduce GHG emissions by 90 million tonnes by 2030. What gives you any assurance that you will achieve 90 megatonnes of emissions?

The Chair: I'm sorry. I hate to keep doing this, but I'm going to have to interrupt again. That is not what we're discussing today at committee. I want you to have your full time. You asked to have the minister back so that we could ask questions specifically on this bill. That is not on this bill.

Hon. Ed Fast: It is on this bill.

The Chair: You have related it—

Hon. Ed Fast: Madam Chair, I disagree with you. In fact, this is just another attempt to cover up—

The Chair: I've made the decision. I don't want to take your questions away.

Hon. Ed Fast: —the carbon tax.

The Chair: Do you have another question that's on the bill? Sorry, Ed, I really want to give you your question time, but that is not a question on this bill. You're making a connection, but I am ruling that it is not on the bill.

Hon. Ed Fast: It's directly related to whether a project that is going to be evaluated under this bill is going to be approved. If the carbon tax doesn't work, the likelihood of a project being rejected dramatically increases.

The Chair: Ed, I've made a ruling on that question. Would you like to ask another question that's related specifically to the bill?

Hon. Ed Fast: I am going to ask a question related to the bill about proposed paragraph 22(1)(i) that expressly addresses the requirement that projects considered under this legislation—

The Chair: Ed, I don't want to take your question time away.

Hon. Ed Fast: —be evaluated in terms of the climate change plan the minister has brought forward, and part of that climate change plan is a carbon tax.

Canadians have a right to know what the impact on them is and whether it reduces emissions, Madam Chair.

The Chair: You've made your point.

Hon. Ed Fast: Then rule me out of order so you're on the record.

The Chair: I'm ruling the question out of order. I'm on the record that this question does not relate directly to what we're studying, which is Bill C-69.

I will move on to another member, although I don't want to do that. Do you have another question before I move on?

Hon. Ed Fast: Listen, I am insisting that I have a right to ask the minister the questions that are relevant to Canadians, that Canadians are interested in, and that have to do directly with this.

The Chair: Are you challenging the chair?

Hon. Ed Fast: Listen, you have a majority on this committee. Challenging the chair will simply result in the same outcome.

The Chair: Ed, I've given you a lot of time to put your point forward.

Hon. Ed Fast: I know you have. I have respect for you, Madam Chair.

The Chair: I have respect for you, which is why I'm giving the time.

Hon. Ed Fast: I will now cede my speaking time, because it's very clear that this committee and its chair are suppressing the information that Canadians need to know about the carbon tax and its impact on them.

The Chair: Are you ceding it? Thank you very much.

I'm going to give the time to Ms. Duncan, please.

● (1135)

Ms. Linda Duncan (Edmonton Strathcona, NDP): Thank you very much. It's nice to see the minister and her officials back. I look forward to the second hour of being able to spend more time with the officials as well.

I'm presuming, Madam Minister, that you've been well briefed on the extensive and significant concerns raised about this bill that people have welcomed. Finally, the government has come forward with an amended three bills in one, in this 800-clause bill. My understanding is that we've received almost 450 amendments. That's only the tip of the iceberg. Regrettably, so far, the members of the committee have only actually seen one half of the briefs that have been submitted, mainly because this review has been so fast-tracked.

We will have 450 amendments to review in the next four meetings, maximum. That means that we regrettably won't be able to consider a great many of the amendments that industry, NGOs, and indigenous, Métis, and Inuit communities put forward. I would encourage the minister to consider the briefs that have been put forward if we are not able to raise their concerns in our process.

Madam Minister, you have again repeated here—and I appreciate that—your government's commitment to the UNDRIP. The request that I am putting to you is the same request that I put forward in this committee to amend the Federal Sustainable Development Act and was not accepted.

Are you willing to amend your bill to specifically reference the UNDRIP as requested by first nation, Métis, and Inuit people appearing before this committee?

Hon. Catherine McKenna: Thank you very much, and thank you very much for all your hard work. I know you care greatly about this.

Just to your previous point, there have been submissions from indigenous peoples, from industry, from environmentalists. We take them all very seriously. I've been personally engaged in discussions but also in reviews with them, and I have great faith in the committee.

We have committed to a renewed nation-to-nation relationship based on respect, co-operation, and partnership rooted in the principles of the UN Declaration on the Rights of Indigenous Peoples. I would confirm that this bill reflects the commitment that we have upfront recognition of indigenous rights, mandatory consideration of rights and culture, and provisions for arrangements with indigenous groups to exercise powers and duties under the legislation. There is a focus on aiming to secure free, prior, and informed consent through processes based on mutual respect and dialogue.

I've spent a lot of time meeting with indigenous peoples, meeting with communities.

Ms. Linda Duncan: Minister, if I could interrupt, I'm well aware of what is provided in the bill.

My question is very specific. Are you willing to accept an amendment to this bill to specifically reference the UNDRIP, yes or no?

Hon. Catherine McKenna: We are happy to consider any amendments.

Ms. Linda Duncan: Okay.

A lot of concern has been expressed about the discretionary nature of this bill. Nobody knows yet what will be on the project list, and many have expressed concern, including industry, that we don't yet know what will be covered by this bill.

You've brought forward the same discretionary power that existed in the Harper assessment bill. That is where, if you're informed of significant potential impacts to health or environment, you have a discretion. Are you willing to consider changing that provision and making it mandatory, when information comes to your attention that there may be potential significant impacts to health or environment, that you would require a federal assessment?

Hon. Catherine McKenna: Just to start, you mentioned that proponents are concerned. Proponents are weighing in quite strongly —there's a project list, a paper that's under consultation—as are indigenous people, as are environmentalists.

We know we need to be able to rebuild trust in environmental assessments. We need to hear from communities. We need to work in partnership with indigenous peoples. That's why we've rebuilt the process through the early assessment.

We've also—

Ms. Linda Duncan: With all due respect, Madam Minister, that's not my question. I'm not asking about the right of people to participate.

I'm asking if you are willing to consider an amendment that would make it a mandatory duty, not a discretionary option, to trigger a federal assessment if you become aware of potential significant impacts to health or the environment.

Hon. Catherine McKenna: We have made the decision that we believe we should review major projects based on a project list. There's a long discussion going on right now. Many folks are weighing in. There is always the ministerial discretion. I think the consultation, the project list, is really important so that we can figure out how we review major projects with the potential for adverse environmental impacts that are clearly within federal jurisdiction.

● (1140)

Ms. Linda Duncan: I'm taking that as a no.

In terms of Bill C-69—and this is regrettable—my party did make the request that the bill be split. We note there are two representatives of the natural resources committee here. We don't have that option, because we have only one member on the committee. We had hoped that the navigation would go to the transport committee, that the new CER would go to natural resources, and the assessment bill here. But you are responsible, as I understand, for the full bill.

Right now the bill exempts the CER commissioners who would join a review panel from considering climate impacts. Are you willing to consider amending the bill so that those members will also have to consider climate impacts when they're reviewing a project?

Hon. Catherine McKenna: We're certainly committed to, as we review projects, the need to understand the climate impacts of projects, and we are looking at amendments.

The Chair: Great.

Mr. Bossio.

Mr. Mike Bossio: Thank you, Chair, and thank you, Minister, for being here once again to discuss this very important bill.

As you know, I have a long history as a community activist fighting against a mega-dump expansion that threatened my community's water supply, and I've been through environmental assessments on a number of occasions. I want to ensure, as you do, that public participation in the process is strong and meaningful. I have put forward several amendments this week to strengthen public participation by ensuring the words "meaningful public participation" are added to the bill.

Is this something you would support? Can you comment on how this would strengthen the regulations that will follow?

Hon. Catherine McKenna: We believe that public participation is critical. Unfortunately, under the previous government that was sometimes unnecessarily curtailed or prevented. We are happy to consider amendments that would make it stronger, for example, the words "meaningful public participation". The only way you're going to make good decisions on projects is if you listen to the people who will be impacted by them. We need to do that. That is our commitment to rebuilding trust, and I think that's a critical part of this.

Mr. Mike Bossio: Thank you.

Also, Minister, the environmental appeals tribunal process in Ontario was a crucial tool for my community to oppose the mega-dump expansion. I know first-hand how important this additional body can be to ensuring we get things right.

This week I put forward an amendment to Bill C-69 to establish a Canadian assessment appeal tribunal. Is this something that you would support, and can you please give me your rationale?

Hon. Catherine McKenna: We have heard from some groups that are supportive of this approach, and a number of other groups that aren't. In terms of the folks who have expressed concerns, I think it's the idea that it provides uncertainty. It increases the complexity and the unpredictability with timelines. As we say, we need to find the proper balance, the proper approach, and we have, obviously, a number of different stakeholders.

We have made it much clearer how the process will be conducted in terms of doing assessments, including early engagement. We've been clear about the factors that would be considered in assessments and in decision-making and that we have to provide transparency around the decisions. We believe it also provides for meaningful opportunities for participation by indigenous peoples, stakeholders, environmentalists, and the public. We believe this, in combination with other provisions in the bill, provides sufficient safeguards without the additional expense and regulatory uncertainty and the additional timelines that would result from a separate tribunal.

Mr. Mike Bossio: I have three indigenous nations represented within my riding—the Mohawks of the Bay of Quinte, the Algonquin, and the Métis. As you know, traditional knowledge is a keystone that guides indigenous communities in looking forward seven generations.

Can you comment on the importance of the consideration of indigenous knowledge within the impact assessment process?

Hon. Catherine McKenna: When Minister Carr and I announced the interim principles that would govern environmental assessments, we were clear at that early stage that indigenous knowledge was key, that it wasn't a nice-to-have; it was a must-have. Of course, we need protections around the intellectual property associated with indigenous knowledge, but also to allow an understanding of how decisions were made should they incorporate indigenous knowledge. That is a key part of this legislation and I know it's extremely important for indigenous peoples. They have made that clear.

Mr. Mike Bossio: I've put forward a number of amendments in this specific area. I hope we can be assured that you will take those into consideration.

● (1145)

Hon. Catherine McKenna: We're happy to consider amendments. Thank you.

Mr. Mike Bossio: I'd be happy to pass the rest of my time over to Elizabeth May.

The Chair: You have two minutes.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Minister, as you know, I'm disappointed by C-69, but I have hopes, and all the hopes I have for the bill being repaired have to do with the degree.... You prefaced your remarks often by saying what we heard in consultations before the bill for first reading, but I hope that you've heard a lot of the witnesses who have come before this committee with really big concerns that this bill will not rebuild trust. It's not all about transparency and consultation. It's often about whether the bill will work. I just want to focus on one piece, because I hope you heard from the expert panel that was convened that did really great work.

One of the things they mentioned was that environmental assessment—or impact assessment, if we will—of projects under federal jurisdiction is not just about major projects. Smaller projects can have really negative environmental impacts not caught by provincial EAs. I could mention a couple of projects. I will mention one right now. It was a shocker. It was the jet fuel line built in the Vancouver International Airport that Minister Garneau didn't know about that got signed off by the port authority, which wasn't the sort of thing that we might have thought of in a project review.

A project-by-project list can miss things. The only way to make sure we don't miss things is to cast the net wider, as we used to, and then make sure we're not wasting a lot of time on deep-dive reviews of things that don't need them. Small projects, though, can have a big impact.

I'm wondering if you're open to amendments that will allow us to have environmental assessment legislation, impact assessment legislation, that really rebuilds trust by going back to the pre-Harper days, which we had from 1976 until 2012, of assessing every project under federal jurisdiction.

The Chair: You have about 10 seconds.

Hon. Catherine McKenna: I think that we focus on how we make sure that we're considering projects with major impacts. We have provisions for projects on federal lands. Also, there's the ability for citizens to raise issues and then the minister to designate projects.

The Chair: Thank you very much.

Mr. Sopuck, go ahead.

Mr. Robert Sopuck (Dauphin—Swan River—Neepawa, CPC): Thank you.

One of the things I noticed, Minister, when you gave your list of interest groups and people you consult with, you talked about indigenous communities, environmentalists, the various levels of government. You've never, ever mention municipalities, rural communities, or agricultural communities. It's as if those people simply do not exist to this government.

I mention this over and over again in committee and over and over again these groups are always excluded. I'm really getting tired of it. Also, in terms of traditional knowledge, I represent a large, rural constituency with farmers, ranchers, hunters, trappers, and so on. They, too, possess a high level of traditional knowledge, and I would hope that their traditional knowledge is given equal weight.

You mentioned in your opening remarks about competitiveness. I've never heard so much nonsense. This government has made Canada's economy completely uncompetitive. The Canadian Energy Pipeline Association said that if the goal was to curtail oil and gas production and to have no more pipelines built, this legislation may have hit the mark.

I know it's uncomfortable for some to hear this, but our resource economy is beginning to collapse. This is the truth. Foreign direct investment is down to $31.5 billion in 2017, down 56% since we were in office, which totals $71.5 billion. This is relevant, Madam Chair, because the minister talked about competitiveness right off the bat.

Mr. Robert Sopuck: John Ivison in a recent column wrote that the slow bleeding of corporate Canada was about to get under way and only the finance minister could stop it.

How can you sit there and say you're making Canada more competitive when people who are actually economic practitioners and investors are fleeing Canada in droves?

Hon. Catherine McKenna: I'm not entirely sure of the question, but of course I care greatly about farmers and ranchers and small communities. That is why we are trying to rebuild trust for everyone in our system, which was sorely lost under the previous Conservative government, where decisions didn't take into account what communities had to say, what indigenous peoples had to say, and where decisions were made on a political basis, and projects, as a result, became polarized and did not go ahead.

Let me be clear, we are actually trying to get to a better spot, because we believe that we can do this. We believe that the environment and the economy go together, that we can rebuild trust by making decisions based on science, evidence, and indigenous knowledge, taking into account the real impacts of climate change and how projects fit within our climate plan, and also providing certainty for proponents.

As I expressed very clearly, we believe that by engaging on the front end you can have shorter timelines on the back end, which was something that proponents had very clearly expressed to us. I've had numerous meetings with proponents, with indigenous peoples, with environmentalists, with Canadians, with provinces.

● (1150)

Mr. Robert Sopuck: But not with municipalities. Here we go again.

Hon. Catherine McKenna: Municipalities have also weighed in.

Mr. Robert Sopuck: Why didn't you say so?

Hon. Catherine McKenna: I'm happy to name every single person that we've engaged with if you would like, but we're going to run out of time.

We believe that it is important that we include community knowledge. That is reflected in the legislation, at proposed paragraph 22(1)(m), "community knowledge provided with respect to the designated project". We want to be more competitive. We want to attract investment, and that is exactly what we're doing with this legislation.

Polarizing and dividing Canadians, not making decisions based on evidence and facts, and not including indigenous peoples or community knowledge are ways to ensure that projects don't go ahead.

Mr. Robert Sopuck: That is pure nonsense.

Given the criticism you had of our government's environmental record, which, by the way, was exemplary, I'd like you to name one quantified environmental indicator that got worse under our government, one quantified environmental indicator related to the environment itself, not some stuff about consultation or any of that kind of stuff.

Hon. Catherine McKenna: I could go on. Once again, I think I'll probably run out of time. But I think—

Mr. Robert Sopuck: An indicator.

Hon. Catherine McKenna: —that you could say almost all indicators went down—

Mr. Robert Sopuck: Name one. Name one.

Hon. Catherine McKenna: —under the previous Harper government.

Mr. Robert Sopuck: Name one.

The Chair: Let her answer.

Hon. Catherine McKenna: And, you know what? Canadians voted—

Mr. Robert Sopuck: I want a number.

Hon. Catherine McKenna: —because they wanted a government that was committed to the environment.

Mr. Robert Sopuck: Give me a number.

Hon. Catherine McKenna: They wanted a government that was going to believe in climate change—

Mr. Robert Sopuck: No numbers, okay.

Hon. Catherine McKenna: —and have a real approach to climate change. They wanted a government that would ensure clear air and clean water, and that is exactly what we're doing.

The Chair: Bob, you still have one minute.

Mr. Robert Sopuck: Good.

I want to go back to competitiveness. What is it about CEOs like Steve Williams from Suncor? The Royal Bank pointed out that capital is fleeing at an incredible rate. One of the big reasons is that these project processes.... I happened to cut my teeth as a biologist on the Mackenzie Valley pipeline. There are communities in the western Arctic that are impoverished because that pipeline wasn't built due to an environmental process that ran amok and actually killed investment, and this is exactly what your government is doing.

Thank you, Madam Chair.

The Chair: Okay.

Hon. Catherine McKenna: We've clearly taken in competitiveness concerns. We believe we are getting to a better spot where we will rebuild trust. We will engage properly with indigenous peoples and with communities. We will have stricter timelines. We will make decisions based on evidence and knowledge, and we will ensure that good projects go out of their way to protect the environment, which will lead to competitiveness. We understand the importance of attracting investment. I was very pleased to see Amazon make a decision just the other day. We have historic economic growth rates —the highest in the G7 right now—and the lowest unemployment rates, while under the previous government, it was actually the reverse. Our economy was in decline, and we weren't—

Mr. Robert Sopuck: Amazon moved in because of the carbon tax...?

Hon. Catherine McKenna: —tackling climate change and we weren't growing the economy.

The Chair: Okay. Thank you very much.

Who's up?

Mr. Amos.

Mr. William Amos (Pontiac, Lib.): Thank you, Chair.

Thank you, Minister, and Parliamentary Secretary, and our civil servants. We appreciate this very much.

I have three issues I want to address today. One has already been raised by my colleague Ms. Duncan around the issue of incorporation of climate considerations. I intend to bring an amendment to seek to lock down more firm climate considerations at all stages, but particularly through the panel reporting.

I wonder if you could indicate whether you will you be open to these amendments. The testimony that came across from witnesses was fairly clear that we really need to do a better job of that. I wonder if you could comment.

Hon. Catherine McKenna: We certainly agree that we need to be considering climate change when we make decisions on projects. Once again, all parties supported the Paris Agreement and meeting our goals under the Paris Agreement, which I thought was extremely helpful. So clearly, there should be support across parties for doing this. Proposed sections 22 and 63 talk about considering the climate impacts.

Also, we are going to be issuing a discussion paper shortly on doing a strategic assessment on climate change. It's really important. We want to provide clarity to proponents, to stakeholders, to the agency, and to Canadians as to how climate change and Canada's climate plan will be considered in project assessments.

● (1155)

Mr. William Amos: Another issue that came up frequently in the written testimony, which we obviously take just as seriously as the oral testimony, was the issue of the incorporation of the UN Declaration on the Rights of Indigenous Peoples. I have many constituents in the riding of Pontiac who belong to the Algonquin nation, and they have communicated to me the same thing, that they expect this bill to be reflective of our government's commitment to UNDRIP, to Bill C-262, which is presently being evaluated by another committee. I intend to bring amendments that would seek the incorporation of UNDRIP into this bill.

What is your reaction to those requests?

Hon. Catherine McKenna: As I've been clear, we're committed to a renewed nation-to-nation relationship that's based on rights, respect, co-operation, and partnership. We believe that's also incorporated into this bill, but we are also willing to consider that as well.

Mr. William Amos: Thank you.

My last question deals with the role of regulatory bodies, particularly entities such as the Canadian Nuclear Safety Commission and the offshore petroleum boards. We heard testimony from a significant number of stakeholders bringing into question not only the weight of their participation, the number of members that could be included in a panel, but also concerns about the potential for them to predominate on panels, and particularly their potential role in a chair position.

I intend to bring amendments on this issue because I think it's a matter that goes to public trust. For better or for worse, there have been questions raised about those entities. I wonder if you could speak to that issue and to whether or not you'd be open to reducing the role of those bodies in the context of review panels.

Hon. Catherine McKenna: We did hear concerns about regulatory bodies, and that's why we made the determination that we should have an impact assessment agency that would be leading major projects, designated projects. We think that's critically important.

However, we know we do need to be working with life-cycle regulators. They have a role to play. They bring expertise and particular knowledge. We think we have the right balance, and that the lead once again is the impact assessment agency. There's one agency that will be doing this, which is different than is the case.... We do still believe that life-cycle regulators and their expertise are important in how we make decisions.

Mr. William Amos: Thank you.

The Chair: You have another minute.

Mr. William Amos: Madam Chair, I don't have any more questions. I'll hand the time to Madam May if she has another one.

Ms. Elizabeth May: Thank you so much.

With your permission, Madam Minister, I want to pursue this notion of expertise. I'll be brief. We have very little time. These are life-cycle regulators. That's a fairly recent new buzzword to describe them. I have extensive experience with the Canada-Nova Scotia Offshore Petroleum Board. They have expertise in approving offshore oil and gas. That is their mandate. It is a mandate in legislation that created them. They cannot be seen as having expertise that's valuable for this process. I'm going to ask again if you could name the kind of expertise you think is valuable to this process that comes from those regulators, because I can't think of a damn thing.

Hon. Catherine McKenna: Thank you very much.

First of all, let's step back. We said that the impact assessment agency is the agency that will lead all reviews. Remember we've talked about one project, one review. We need to provide some efficiency, we want to make sure that we're able to monitor the project, and we have conditions that are going to be relevant and are going to apply throughout any project that's approved. That's why we do think it is important that they have a role to provide expertise in that.

Ms. Elizabeth May: What are you saying—

The Chair: We're out of time, and we need to be careful about our language around the committee.

An hon. member: Hear, hear!

The Chair: I know when we get excited we tend to....

Ms. Elizabeth May: Is "a damn thing" unparliamentary?

Some hon. members: Oh, oh!

The Chair: I still think that's probably not really what we want to be saying.

I want to thank the minister very much for coming back and giving us that chance to delve in a bit deeper on the work that we've been doing over the past couple of weeks. It's a big bill, a tough initiative and issue. There's a lot of finding the right balance, and we have many amendments that have come forward that we'll be working on next week and the week after as we delve through the clauses.

Thank you again.

● (1200)

Hon. Catherine McKenna: Once again I want to thank the members of the committee. Look, we're all in this together. We believe that we need to rebuild the trust of Canadians and we need to attract investment. I think this is the opportunity to get it right, so thank you for your hard work.

The Chair: Thank you.

I'm going to suspend to bring the departments up. Thank you.

● (1200)

(Pause)

● (1205)

The Chair: I'll resume.

Thank you very much to all the departments that have come to join us this afternoon until 1 p.m. to answer the questions we have. Again, I'd like the questions to be specific to the bill and maybe any amendments that people have brought forward. That would be helpful.

I also want to remind people—because I'm not sure everybody's aware—that the bill has been updated, so the page numbers are different. As we go into clause-by-clause next week, be aware that you should get a new version of the bill because the pages and the bill don't match anymore from the preliminary version that we had. Thank you for that.

I just want to introduce, from the Department of Natural Resources, Jeff Labonté, assistant deputy minister, major projects management office; and Terence Hubbard, director general, petroleum resources branch. We have, from the Canadian Environmental Assessment Agency, Christine Loth-Bown, vice-president, policy development sector; and Brent Parker, director, legislative and regulatory affairs division. From the Department of Transport we have Catherine Higgens, assistant deputy minister, programs; and Nancy Harris, executive director, regulatory stewardship and aboriginal affairs.

Thanks to all of you for being here. I understand that you're not making statements; we're just going to go straight into questions.

We'll start with Mr. Fisher, who did not get a chance as a result of the last session.

● (1210)

Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.): That's right, I didn't get a chance because I think Mr. Fast took all my time in the last session.

The Chair: I was very generous.

Mr. Darren Fisher: Thanks, Madam Chair.

Thanks, folks, for being here today. I will ask you some of the questions that I had organized for the minister. With Bill C-69,—and I'm talking about science—the proponents are in charge of doing their own science. What checks and balances will we have in place through the bill to ensure that we're working with actual, good science?

I'm looking at nobody in particular, just whoever feels they want to take that on.

Ms. Christine Loth-Bown (Vice-President, Policy Development Sector, Canadian Environmental Assessment Agency): I can start, and then my colleagues can chime in.

As the minister noted in her remarks, Bill C-69 is premised on ensuring that decisions that are taken under the legislation are evidence-based. Throughout the assessment process, we have a number of different factors and opportunities to ensure that takes place. In proposed section 22 we outline all the factors that need to be assessed in an impact assessment, and through early planning, we'll work with a proponent to develop impact statement guidelines. Those would be the guidelines that would outline the scientific studies and the issues that they need to address through the impact statement.

Throughout that early planning process we also have the opportunity to engage with others—the public stakeholders and indigenous groups—to ensure that those impact statement guidelines are comprehensive and tailored to the specific project. Then, within the legislation and the proposed amendments there's also the opportunity to do peer review of science on a case-by-case basis, should that be warranted—that may be for some projects but not for others—so that there could be a peer review of the science and evidence. Then of course there's the transparency of all the decisions and the rationale for those decisions.

Mr. Darren Fisher: The rationale for those decisions, is that going to be public?

Ms. Christine Loth-Bown: Yes, the rationale for the minister's decisions will be public, and that is a significant change from the current CEAA 2012 legislation.

Mr. Darren Fisher: How will the public get that information? How will you disseminate that information to the public?

Ms. Christine Loth-Bown: Included in the changes are also changes to the registry. Currently, the Canadian Environmental Assessment Agency has an online registry system. There are about 80 different components within the draft legislation that propose transparency elements to increase the amount of documentation and information that's available to the public on the registry site.

Mr. Darren Fisher: What does the bill mean for federal lands, for instance, ports? Will expansions to ports require an assessment?

Ms. Christine Loth-Bown: There are federal land provisions within the legislation, specifically, and those have been enhanced since the current legislation. With respect to federal lands, there are increased requirements for specific criteria to be looked at by all federal authorities when conducting assessments. There's also an increased transparency for federal lands and federal authorities conducting assessments. They need to notify and post that when they are conducting an assessment or review, so that everyone is aware. They need to also post the rationale for their decisions.

In addition to that, the minister indicated that we are out right now consulting on a paper that looks at what the criteria would be for the establishment of the project list. Within that consultation, we are also looking at whether projects on federal lands need to go onto the project list. That will be part of that conversation as well.

Mr. Darren Fisher: Thank you.

Can you tell me how a collaborative approach would work between the agency, the CER, and the Canadian Nuclear Safety Commission?

Ms. Christine Loth-Bown: Within the legislation, those are the proposed sections starting in the forties: 43 and 46. They're known as integrated reviews.

What we want to do through integrated reviews is to ensure that one assessment process can meet the requirements of the impact assessment legislation and the requirements of life-cycle regulators, such as the Canadian energy regulator, as proposed in the legislation, and the Canadian Nuclear Safety Commission.

The lead agency would be the impact assessment agency, but they would be working in co-operation with a life-cycle regulator, such as the CER or the Canadian Nuclear Safety Commission. That's to ensure that we are able to benefit from the knowledge and experience of those life-cycle regulators. It's important to note that they are the regulators over the life cycle of the project. They continue that relationship after an impact assessment has been conducted.

The Minister of Environment and Climate Change, though, will appoint the panel members. At least one of those panel members is to come from a roster that would be recommended by the commissioner or the president of the CER or the Canadian Nuclear Safety Commission.

● (1215)

Mr. Darren Fisher: How will we test projects for climate impact?

Ms. Christine Loth-Bown: As the minister noted, there are two sections within the legislation that specifically look at Canada's climate commitments and obligations: proposed subsection 22(1) and then proposed section 63, in the decision-making.

It's important to note that climate commitments and environmental obligations are looked at as to whether they contribute to or hinder a project. That's an important notation, just like the socio-economic and all the analysis we're going to do. This proposed legislation does propose to look at both positives and negatives and take that into the entire assessment.

As the minister noted, Environment and Climate Change Canada will soon be launching a strategic environmental assessment on climate. That will give us guidance on climate impacts on a project basis.

Mr. Darren Fisher: Thank you very much.

The Chair: Mr. Fast.

Hon. Ed Fast: Thank you very much.

My question is going to be directed to both Mr. Hubbard and Mr. Labonté. If you are unable to answer and someone else on the panel has the answer, please feel free.

You heard some discussion earlier, as we were asking questions of the minister, about free, prior, and informed consent, which is a standard that first nations are asking to be incorporated. Right now in Canada, the standard is "duty to consult", which the courts have shaped over the years. It's something we understand reasonably well.

In your view, does the process established by the new impact assessment act sufficiently discharge the crown's duty to consult and accommodate aboriginal peoples?

Mr. Terence Hubbard (Director General, Petroleum Resources Branch, Department of Natural Resources): One of the core drivers of the changes proposed to the Canadian energy regulator is to implement some of these principles the government has committed to on reconciliation with indigenous peoples. That includes strengthening our approach to consultations with first nation communities.

Built right into the provisions of the legislation is clarity on how the regulator will consider impacts on indigenous rights, and how it will consider and protect traditional indigenous knowledge. It will include requirements for representation on the new corporate board of governors overseeing the regulator, as well as within the commissioners who would hear individual projects' indigenous representation.

Yes, as we develop the legislative framework, we have built these principles and considerations into it.

Hon. Ed Fast: Earlier, Ms. Duncan asked the minister whether she was prepared to incorporate UNDRIP fully into the legislation. The response was that she's prepared to consider it. Then, I believe Mr. Amos asked the question again. She responded that she is prepared to consider it.

I'm assuming, since she's already indicated that she is prepared to consider incorporating elements of UNDRIP into the legislation, that you would have turned your minds to what that might mean. We've had first nations before us, and some of them have said they don't believe UNDRIP represents a veto. There are others who say it is a veto. Have you done any legal analysis on what it would mean for projects that have to undergo this new impact assessment process?

Mr. Terence Hubbard: The government has been clear on its intent to utilize these consultation processes and this legislative process to support the implementation of these commitments. That includes aiming to achieve consensus and consent in the development of these projects. Building in a more inclusive approach and deeper consultations will help facilitate those objectives.

Hon. Ed Fast: That doesn't answer my question, of course. If you can't answer it, perhaps someone else on the panel can answer it.

Has any analysis been done on FPIC to determine whether it actually could be interpreted by the courts to mean an absolute veto on the part of first nations?

● (1220)

Ms. Christine Loth-Bown: As Terry has noted, what we've tried to do with the proposed legislation is to put the principles of free, prior, and informed consent, and having mutual respect and dialogue, threaded throughout the legislation. There are a number of aspects of the draft legislation that speak to the UNDRIP principles. There's a recognition of rights right up front within the legislation.

There is also, within the early planning, the development of an indigenous consultation plan, done jointly with indigenous peoples, to ensure that the manner in which they are consulted throughout the process is consistent with how they would like to be consulted. It clearly identifies up front who needs to be consulted and how they would like to be consulted.

As my colleague has noted, throughout the decision-making phase, impacts on rights are also a key component of the entire assessment and decision-making process.

Hon. Ed Fast: That addresses for the most part the consultation element of it, but I'm going to get back to the actual portion that could be construed as a decision-making right, which could be incorporated into the act if in fact Ms. Duncan has her way and UNDRIP and FPIC are incorporated into the legislation.

I'm hearing none of you say that free, prior, and informed consent is fully baked into the current version of the bill. I'm not suggesting it should be, but obviously the minister is considering it because she said right here at the table that she was prepared to consider it.

Given that fact, and given that this should come as no surprise to any of you, has any legal analysis been done on whether fully incorporating FPIC into this legislation would represent a veto right for first nations?

Ms. Christine Loth-Bown: As I've indicated, the current legislation as drafted tries to embody the principles of free, prior, and informed consent based on mutual dialogue and respect. That has been the theme that has gone through the legislation.

Hon. Ed Fast: Has there been any legal analysis?

Ms. Christine Loth-Bown: The minister has indicated openness to amendments. We look forward to continuing that dialogue in supporting the minister and the government—

Hon. Ed Fast: I take it the answer is no.

The Chair: Time is up.

Ms. Duncan.

Ms. Linda Duncan: Thank you to the officials for being here. I note we have nobody from the Department of the Environment.

My first question is to you, Mr. Parker, because you hold a very important position, actually drafting the legislation and regulations. I admire that. I've had similar jobs myself.

Who did you take your marching orders from, or was it the CEAA office that actually drafted the first part of this bill? Who was actually leading the drafting, and who was making the final decisions on what provisions went in or didn't go in?

Mr. Brent Parker (Director, Legislative and Regulatory Affairs Division, Canadian Environmental Assessment Agency): I'll start with where we began, with the consultation—

Ms. Linda Duncan: I actually want to know the tail end. I want to know who had the authority in the end to say this is the final bill, part one of this act.

Mr. Brent Parker: The way in which the drafting takes place typically, which is the way it took place on this bill, is that drafting instructions are provided. They are, of course, approved by cabinet, and they guide the legislative drafters, who are housed within the Department of Justice. They take instruction from the policy leads, which would be us. My team, the drafters, and I were the ones spending time in the drafting room over the course of this past year, working on the drafting based on the instructions that were laid out.

Ms. Linda Duncan: We don't have Justice here.

Can I ask, was the starting point the Harper 2012 CEAA or was it the before the Harper evisceration of that act?

Mr. Brent Parker: The starting point was effectively the conversation that began about a year and a half ago.

Ms. Linda Duncan: So you started at zero.

Mr. Brent Parker: Yes.

Ms. Linda Duncan: You did not start with the existing bill.

● (1225)

Mr. Brent Parker: We started with the launch of the expert panel, which essentially was the beginning of this process.

Ms. Linda Duncan: It's okay. I don't think I'm going to get a clear answer.

There's a lot of concern expressed in testimony to us about how vague the extension of the public right is. That was the main reason for the lack of public trust in the federal assessment process, that erosion of the public's and indigenous peoples' right to participate. All that it says in the bill is the agency must ensure that the public has an opportunity to participate. There have been suggestions that we could add in adjectives like "reasonable" or "effective".

Why was there no provision, and do you think that the department will be open to a provision to require regulations where there's consultation on what the specified rights are, the right to cross-examine, the right to table evidence, and so forth, because right now there essentially is no guaranteed right?

Ms. Christine Loth-Bown: In terms of public participation within the proposed legislation, an important component actually is in the early planning phase where there are outputs of the early planning phase.

Ms. Linda Duncan: You're not answering my question. I'm talking about specific rights. The reason why there was such a hue and cry about the Harper evisceration of this bill was that people were being denied the right to participate effectively in the reviews, and what they had been looking for in this legislation was that they would be specifically guaranteed the right they previously had, to table evidence, to cross-examine. I'm not worried about each part. Yes, the right should be in every part of the process, but why is there no specific right and do you think that there is some opening in the ministry that they will, in fact, strengthen this bill to actually guaranty specific rights to participate?

Ms. Christine Loth-Bown: I can't answer as to why specifically something's not in there, but I can indicate what is in there. What is in there is no longer the interested party test. Right there, that has been removed so there's no longer—

Ms. Linda Duncan: True.

Ms. Christine Loth-Bown: —a requirement for individuals to be identified as interested parties, thereby opening up the level of participation. Also, within the purpose statement of the act, there is a clear statement there—

Ms. Linda Duncan: The purpose statement is not really binding.

Ms. Christine Loth-Bown: —with respect to meaningful participation within the process, as well as the development of a public participation plan in the early planning process.

There are a number of points with respect to public participation.

Ms. Linda Duncan: Okay, I'm not getting an answer to my question. I have very little time left and I have some specific questions for the Department of Transport officials.

There has been deep concern expressed that there is no linkage between part 1 and part 3 of the bill and that there is no requirement to consider navigation in these environmental assessments. That concern was also expressed by indigenous intervenors who said that in many cases they need access to marshes and so forth that could be dewatered by projects, and there's no requirement to consider those.

Is there a reason why there is no linkage between the two parts or the bill?

Ms. Catherine Higgens (Assistant Deputy Minister, Programs, Department of Transport): Perhaps I could spend a moment to talk about the linkages that do exist within the bill, the first one being that in the early planning stages the regulatory experts from the Department of Transport will form part of that phase and will be informing the regulatory plan and informing the early planning discussions on the projects that come through. Navigation will very much be part of the expertise that's provided. We will be doing that expertise throughout the impact assessment process. There was clearly a link from the very beginning.

Ms. Linda Duncan: You still have an obligation to consider navigation—

The Chair: Hang on. Sorry, we're out of time, so I'm just going to give her a little bit of time to finish what she was saying.

Ms. Catherine Higgens: I would just conclude by saying that at the back end of the process, there would not, for example, be an approval issued under the navigation legislation for a project that was on the project list and was requiring an impact assessment. That impact assessment would need to be completed before any approvals could be issued under the navigation legislation.

The Chair: Thank you very much for that detail.

Mr. Amos.

Mr. William Amos: Thank you, Chair, and my thanks to our hard-working civil servants. I appreciate that this is a challenging session.

I wanted to give Mr. Labonté the opportunity to respond to the last question that Ms. May asked. I thought, with respect, Ms. May, that it was an unfair criticism. I do think there is value in having offshore petroleum boards, or the Canadian Nuclear Safety Commission, or any other such regulatory body involved in these assessments.

My critique of the bill as proposed is that it potentially overweights their participation, and I think it should be dialed back a little. I don't think they should be in a chair position, and I think we should be certain that there's no majority membership on a panel.

I'd like to give Mr. Labonté the opportunity to address the question of what a regulatory body such as an offshore petroleum board, or the Canadian Nuclear Safety Commission, actually brings to an environmental assessment panel process.

● (1230)

Mr. Jeff Labonté (Assistant Deputy Minister, Major Projects Management Office, Department of Natural Resources): That's certainly a good question to explore a bit further. My colleague Terry Hubbard can join me in filling in the answer.

From a regulatory point of view, whether it's the CNSC or the offshore boards, there are a significant number of safety, technical, engineering, design, construction, and operational components that are material to the assessment of a project. This is why the integrated nature of the assessments allows these things to be part of the equation. At the same time, in doing one project, one review, there are in many instances legal requirements that must be met in order for the regulatory decision to happen. We need to ensure that we have the ability as a government to set the policy direction needed to ensure that those things get looked at.

For example, the offshore boards look at things like occupational health and safety. They look at technical standards for the engineering of drilling equipment, the certification of the equipment that's done globally, the ties to international commitments, the things related to the particular handling of the materials, and how the technical equipment is used and managed on site. There are a number of safety-related components, and there are significant safety regulations that the offshore boards are responsible for on the operational side of a project, should it ever get to that point. If it's a project that's looking at the exploratory side, similarly there are safety requirements there.

These are typically things that happen in the regulatory capacity. They are not things that the impact assessment agency is looking at, when it's looking at the project. Bringing these things together allows for a better decision on the particular project.

Terry can fill in a bit more.

Mr. Terence Hubbard: The only thing I'd add to Jeff's response is that we're talking about major projects. When we're talking about major projects, it's important that we're able to bring together all of the capacity and expertise that we have, to be able to review these projects and move them forward in the most responsible way possible. That means bringing forward the expertise that we have, whether it's with the regulator, the impact assessment agency, or any of our other federal regulators that have an interest or a role in these projects. It's important to be able to access all of that information when we're making our decisions on these projects.

Mr. William Amos: I think you've answered this question already, but I want to get clarification. Would you say that a review panel without the relevant regulator would be an incomplete panel that would not serve the public interest? In other words, would such a panel be a disservice to the public interest? I ask this because we've had witnesses suggest that they should not be involved at all, that there should be a black-and-white separation.

Mr. Jeff Labonté: That's a tough question, but let me give you a quick answer. An impact assessment with an integrated review with a life-cycle regulator ensures a consistency for both the public and those participating in the process, whether it's a mining project, an offshore project, or a nuclear project. It provides clarity in the roles of the different participants.

Regulatory decisions still need to be made. They are legally required under the Canadian Nuclear Safety and Control Act. The nuclear regulator is independent of the government and has to make a decision about the safety of the project. That decision is best made when it's informed by an integrated assessment rather than by a separate decision that might follow and might require that there be duplicative processes or processes that go on beyond and might ask for repeat testimony or repeat information requirements, when all of it could occur through the integrated assessment and then allow the regulator to make the decision it needs to make.

In nuclear, for example, there are international protocols that would require us to behave that way. In the offshore, there are relationships with two other governments that have to be managed because of the joint management we have with Nova Scotia and with Newfoundland and Labrador. In the case of the energy regulator, recommendations are made at the same time to the GIC to make the determination.

I think it's fair to say that if they were separate you would not be able to make all of the required decisions on a project.

● (1235)

Mr. William Amos: No significant reforms have been suggested for the Canadian energy regulator, the Nuclear Safety Commission. Why?

Mr. Jeff Labonté: When the government launched its regulatory review, it looked at reviewing the impact assessment agency, the Environmental Assessment Agency, and the energy regulator. It certainly looked at the components around the environmental assessment and its move to move it to one agency, which would then remove the Nuclear Safety Commission as the agency that makes the environmental assessment determination.

Mr. William Amos: Thank you.

The Chair: Mr. Sopuck.

Mr. Robert Sopuck: I'm going to focus on jobs and competitiveness. I want to quote the Canadian building trades union regarding this bill, when they say that:

> ...Bill C-69 misses the mark in many material aspects. This piece of legislation has an enormous impact on our 500,000 members, as well as an enormous spectrum of Canadians who are engaged in natural resource extraction, processing, distribution, and consumptive industries. It is too important to be left to chance or to uncertain and unpredictable results.

The conclusion of a legal opinion by Osler and company is that:

> ...the proposed legislation suffers from the same problem that we have been observing in project regulatory processes for some time. These reviews are becoming forums where all manner of social and environmental issues are expected to be addressed, even when they are beyond the ability of any single project proponent to mitigate.

When you were drafting this legislation, did you for a minute think about the effect on workers, working families, the employment sector?

I'm going to stop referring to it as "industry". I'm going to call it the employment sector.

Did you ever stop to think about the effect on those sectors of our society?

Ms. Christine Loth-Bown: As the minister noted in her opening remarks, one of the goals is to ensure that we are getting good projects to market. The process that has been designed through the proposed legislation aims to ensure this by bringing regulatory certainty to the process through assessments by one agency, but working in close collaboration with regulators, whether they be regulators such as Transport Canada or a life-cycle regulator, so that you can have that certainty of process in assessment.

We've also looked at the reduction of the timelines in order to ensure.... We heard a considerable amount of feedback throughout the last 14 months that the process takes too long and that we need to reduce the time. We have reduced the timeline, as was noted, from 365 days to 300 days and from 720 days for panels down to 600, to ensure that we can do these in a more efficient, effective way. It is important to note as well that the decision-making process needs to be done in a timely fashion. This proposed legislation also puts in a legislated time frame for the decision process.

Throughout the proposed legislation there are a number of points at which we are trying to ensure regulatory certainty so that Canada can continue to be competitive.

Mr. Robert Sopuck: All I heard there were aspirations. There's an old saying that starts, "If wishes were horses". You said, this is where we want to be and where we want to go.

That's all well and good, but the project proponents and organizations who came before us strongly disagree with that assertion. I go back to the Canadian Energy Pipeline Association, which said that Canada has a toxic regulatory environment and that they do not view this particular bill as having fixed it. The evidence is very clear in terms of investments, which are leading Canada from $71 billion under the Harper government to $31 billion under the Trudeau government. Clearly, things have changed.

I'd like to talk now about the Navigable Waters Protection Act. Specifically, the issue is the definition of what a navigable water is. You can say what you want about the act and write about it, but the nub of the issue is what is a navigable water.

When we changed the Navigable Waters Protection Act to the Navigation Protection Act, it was because there were too many egregious examples of waterways that were clearly navigable for perhaps a day a year but considered navigable waters.

A specific example that I mentioned in testimony earlier was about a little municipality of mine. A culvert blew out because of a spring freshet. This little gully flowed for maybe two weeks a year, but of course the Canadian Coast Guard came in and said to my little municipality, you have to replace the culvert with a bridge.

Of course, there were houses on the other side, so there are public safety and first responder issues that the Coast Guard was completely oblivious to. The cost for the bridge was $750,000, and the total budget of the small municipality was $1 million. It was clearly ridiculous.

I read the definition of what a navigable water is. It is water, it says, "that is used or where there is a reasonable likelihood that it will be used by vessels, in full or in part, for any part of the year as a means of transport or travel for commercial or recreational purposes".

This means that you've gone back to the old definition, whereby if it can float a canoe for three or four days, all of a sudden it becomes a navigable water. Of course, under the old act, the effect on municipalities, both in terms of public safety and of cost, was extremely significant.

Do those of you from Department of Transport share my concerns?

Ms. Higgens.

● (1240)

Ms. Catherine Higgens: This is a really important element of the new Canadian navigable waters legislation. I'm happy to explain.

There are two components to the new definition. One, as you've mentioned, is the use for travel or transportation, including for the exercise of indigenous rights, but also for recreational as well as commercial purposes.

The second element is that there be public access, so it protects the public right to navigation where there is public access to a waterway. That would mean there is public access, there's more than one shore owner or riparian owner, or the crown is the sole owner of the shore.

Mr. Robert Sopuck: Does this apply to temporary waterways?

Ms. Catherine Higgens: Temporary waterways such as ditches and irrigation channels are not intended to be captured by the definition, because they would not be for the purposes of travel.

Mr. Robert Sopuck: What about natural ravines that flow for a week per year?

Ms. Catherine Higgens: There would need to be a test of reasonable likelihood of use for travel and transportation or exercise of indigenous rights. If it's a minor ditch or crevice that fills with water temporarily, that would not, in my opinion, fall under that definition. This is not the canoe test. It's not as restrictive as it was under the MPA. It's in the middle, but with some clear guidance to industry and to municipalities.

Mr. Robert Sopuck: I appreciate the answer. Thank you.

The Chair: Thank you.

I let that go on, because I think it's important that we have that clarification.

Mr. Bossio.

Mr. Mike Bossio: Thank you, Chair.

Thank you all very much for being here once again on this very important bill.

As I've mentioned a number of times, I have been through environmental assessments and terms of reference at the provincial level with the Province of Ontario. It was my experience in going through those that the proponent has an incredible amount of power, in a sense, on defining what evidence or science is going to be used. I want to follow up on where Mr. Fisher was going earlier.

It's very much proponent driven. In the mining experience, they decide how it will be studied, what will be reported, how reports are presented, or whether they're even presented at all. Once again, if they don't like the findings, nobody knew the report was even done.

How does Bill C-69 ensure that this is not going to be a purely proponent-driven process when it comes to the science and evidence?

Ms. Christine Loth-Bown: There are a number of ways. First off, proposed section 22 of the legislation, which lays out the factors that need to be undertaken in an impact assessment, is an expanded section that looks at health, social, and economic factors as well as community knowledge and indigenous knowledge and impact. It's a broader suite of things that need to be looked at in an assessment.

Then on a project-by-project basis, the agency will work with a proponent in the early planning phase to look at those factors and establish tailored impact statement guidelines for them to fill out. Throughout the early planning process, we will also be working with others, indigenous groups, stakeholders, and the Canadian public, to find out what issues need to be brought to bear within the assessment process, and those will be factored into the tailored impact statement guidelines that the proponent will receive.

There's quite a process that includes a multitude of individuals, including our partners at the federal level, to help define what the scope of the assessment will be and the reports that are needed to be provided. It's not just the proponent determining those. There are many factors that play into determining that scope.

Once this scope has been set and the proponent is filling in the information and the reports that are needed to conduct the assessment, those are then evaluated by federal experts. We turn often to our partners in Environment and Climate Change Canada, Fisheries and Oceans Canada, Transport, or NRCan, and their science sections to review those. Those reports and the analysis by those federal expert departments will now be posted on the registry.

In the past, there was some information posted on the registry. The proposed legislation proposes to post more of the proponent's science on the registry, but also the analytics of our federal partners who have helped us to assess that science.

● (1245)

Mr. Mike Bossio: The agency itself, or whoever's reviewing this, will actually have the strength of regulatory oversight to ensure that it's not just the proponent's science that will be a part of this. The agency's demands will also be met, and every report generated by the proponent will be disclosed. There's no ability for them to, as I said, not like the results of a particular report and just not share those with the agency or anyone else.

Ms. Christine Loth-Bown: Yes, that's correct. There are increased provisions for transparency, for posting all the science. There's also a legislated requirement for federal expert departments to weigh in and analyze scientific information, and for their analysis to be posted as well.

Mr. Mike Bossio: It has also been my experience in going through this process that many times as you're meeting the public participation requirements it's just a box-checking process: "Okay, yes, yes, we met with them. We told them what it was about. We heard what they had to say." There was really no meaningful participation on behalf of the public.

I asked the minister this question, and she stated that, yes, we need to ensure that we have meaningful participation. But how is that being captured now, in this bill? When I look at it now, it looks like it's just a box-checking exercise.

Ms. Christine Loth-Bown: Meaningful participation starts in the early planning. One of the key outputs of the early planning phase is a public participation plan as well as an indigenous engagement and consultation plan.

I noted earlier that we'll be doing that with indigenous groups. We'll also be doing that with the public to find out who wants to be consulted, who's interested, and who has issues that they want brought to bear. The agency will be playing a role in terms of drafting those issues and providing those back to the proponent. There's a step in the legislation requiring us to do that. At the end of the early planning phase, there will be a defined public participation plan that will outline who wants to participate and how they would like to be participated with.

So that's important throughout there, and—

Mr. Mike Bossio: Can hearings be a part of that plan? Can cross-examination and all the rest of it be a part of that early planning phase?

Ms. Christine Loth-Bown: The early planning phase is not the assessment process. The assessment process actually starts after the early planning phase.

I think it's important to note that the legislation doesn't define what public participation tools need to be used. It's enabling, so it's enabling meaningful public participation. We will be working to develop policy and guidelines that will define a plethora of public participation tools that can be used throughout the process.

The Chair: Okay. I let that go on a bit, because I think it was an important clarification.

Madame Boucher.

Mrs. Sylvie Boucher (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, CPC): Hi. I will ask my questions in French, which is my first language.

[*Translation*]

Good morning, and thank you, everyone.

I would first like to say that I'm replacing a colleague today. I am interested in the topic we're discussing today, but it is outside of my comfort zone. I normally sit on the Standing Committee on Official Languages, where members work hand in hand, and where we have the right to ask any questions we may have.

I was left wanting more, and I'll tell you why. It concerns the agency's impact assessment. Paragraph 22(1)(s) of the proposed bill mentions "the intersection of sex and gender with other identity factors". Both you and the minister talked a lot about indigenous peoples.

Do you take gender-based analysis into account when drafting such a major bill?

If so, what impact will this bill have on women and children? We talked a lot about indigenous peoples.

I also have another question. I'll ask both of my questions, and then the witnesses can answer them however they want.

Could Bill C-69 be an obstacle to the economic development of certain remote areas, for example, regions that aren't populated by indigenous peoples, given all the analyses you will conduct? In my region, there are few indigenous communities, if any.

● (1250)

Ms. Christine Loth-Bown: We have taken women and children into account in the bill. When evaluating projects, we believe that it is very important to examine the impact they will have on everyone. From time to time, we realize that there can be a social impact on the communities. Gender identity is one example of an issue we're studying.

If a number of people come to work on a project, we need to house them, which means renting houses, apartments and other accommodation. This can have an impact on women and children, because of the potentially higher rent.

Mrs. Sylvie Boucher: More specifically, you talked a lot with indigenous peoples. You consulted with them.

Ms. Christine Loth-Bown: Yes.

Mrs. Sylvie Boucher: What I want to know is whether you consulted with women.

We're talking more and more about gender-based analysis. Women should therefore be part and parcel of a bill this important. Have you consulted with them?

Ms. Christine Loth-Bown: We talked to both women and men during our consultations.

As the minister explained, our consultation had a number of steps. At each step, we heard Canadians expressing comments and a diversity of points of view. We have taken all of these comments into consideration in our analysis.

Mrs. Sylvie Boucher: Okay.

Have there been any comments on the potential obstacle to certain regions' economic development?

Ms. Christine Loth-Bown: The aim of the legislation is not to impede economic development, but to implement an assessment system that could help it.

[*English*]

The Chair: Mr. Fast.

Hon. Ed Fast: Thank you.

I have one quick question.

The proposed impact assessment act and also the Canadian energy regulator act have transitional provisions. The Mining Association of Canada has expressed real concerns that there's an inconsistency between those transitional provisions. They would like to have the same transitional provisions apply. They're really concerned that under the new regime, projects that are already under way will have to go back to the beginning rather than completing the process under the old regime.

You've taken that into account, I assume.

Ms. Christine Loth-Bown: Yes.

Hon. Ed Fast: I'd like to hear your views on whether the government is open to making those transitional provisions consistent across both acts.

Ms. Christine Loth-Bown: I'll start and then my colleague, Brent Parker, will continue.

We have heard the comments that the Mining Association has brought forward.

It's important to note the interim principle the government put in place in January 2016, such that no project would go back to the starting line. That important principle is continued throughout the thread of the proposed legislation.

Brent can speak to some of the specifics around transition.

Mr. Brent Parker: Obviously, people have gone through the transitional provisions. There are a lot of transitional provisions for agency-led assessments in comparison to either substituted processes or those that are currently led by the other responsible authorities. We've heard that concern.

In terms of the way in which they were structured for the agency, there are three components to it. There are those projects under the former act, not CEAA 2012, but 1992. There are only a few of those projects now in the system but the plan with the transition provisions as they currently exist is that those projects would essentially terminate at the coming into force. Those that are now under CEAA 2012 would transition across to the new act if they haven't commenced or if the environmental impact statement information has not been provided and is in conformity with the guidelines. There's a point there where stakeholders have asked for certainty about whether there can be a different point in time for that. The way they're structured now is that this is the milestone for the transition.

I can't speak to what amendments might come forward. Based on what the minister has said today, I know that there's an openness to considering amendments. At this point, we have these provisions and we can discuss them from here.

● (1255)

Hon. Ed Fast: Thank you.

The Chair: I didn't want to have to cut you off but we're definitely wanting to make sure that the last questioner gets a chance.

Mr. Aldag, go ahead.

Mr. John Aldag (Cloverdale—Langley City, Lib.): We're going to turn our last slot over to Elizabeth. If Elizabeth wants to share it with Madame Pauzé, she will have that opportunity.

Ms. Elizabeth May: How much time do I have?

The Chair: You have four minutes, two each.

Ms. Elizabeth May: Thank you for your generosity.

I want to get back to Will's point and I think we're also having a conversation among ourselves and bringing you in. My anger—I apologize for anger—but I've dealt with the Canada-Nova Scotia Offshore Petroleum Board extensively in my previous role at the Sierra Club of Canada, and working in the Maritimes to try to protect the Gulf of St. Lawrence. As recently as, I think it was 2010, the Canada-Nova Scotia Offshore Petroleum Board permitted seismic testing in the Gulf of St. Lawrence during the time the right whales were in transit. I mentioned this in my preamble to the minister, but I also know that the Canada-Nova Scotia Offshore Petroleum Board and the Canada-Newfoundland and Labrador Offshore Petroleum Board, through both their enabling legislation and their own accords, which give rise to the legislation between the provinces and the feds, include a mandate to expand offshore oil and gas.

As a specific question related to those agencies, that's where I have not seen them having any expertise—to your point that they know about safety. I'll go back to Jeff or any member of the panel. We have expertise about the Fisheries Act and protecting fisheries that comes from DFO scientists, but no one is suggesting there must be someone from DFO on a panel, though obviously, you are going to consult them. We have expertise from Transport Canada. No one is saying you have to have a Coast Guard person on the panel.

Regulating energy regulators and inserting them into environmental assessment happened in C-38 in spring of 2012. The expert panel that prepared the report for this government said we don't need them there. We never had them before. We don't need them now. In light of that, if anyone on the panel wants to make a case that these specific energy regulators have a role on a panel that is somehow superior to that of all the other expertise that's held in all the other departments that you will be consulting, can you try to explain why they are treated differently, except that Stephen Harper is winning this round?

Mr. Jeff Labonté: Go ahead.

The Chair: You have one minute.

Mr. Terence Hubbard: Maybe I'll begin with a couple of quick points on this. We alluded to earlier that, as we move forward, the requirements of both the impact assessment act, as well as the acts that govern the development of either the offshore, nuclear, or Canadian energy infrastructure within Canada both have to be met. It's akin to a mining project, where the impact assessment act, as well as provincial regulations and laws would need to be met. We're trying to develop and advance a single process where we can satisfy the requirements of both pieces of legislation within one process. That's why we're aiming to bring these pieces together within one process. At the same time, we're looking to leverage the expertise of both organizations to ensure the best outcomes from these regulatory processes.

The Chair: Okay. Thank you very much.

Madam Pauzé, you have three minutes.

[*Translation*]

Ms. Monique Pauzé (Repentigny, GPQ): Thank you very much, Madam Chair.

I would like to return to clause 63 of the bill.

The Centre québécois du droit de l'environnement warned us about this clause, if I may put it that way. The centre proposed an amendment that would ensure that the process complies with provincial law and municipal regulations.

Have you studied this amendment? If so, where are you at with it?

● (1300)

[*English*]

The Chair: Just before you start, I have to get unanimous consent, from those on the committee, that we can continue for just a few minutes, as bells have started. Do we have unanimous consent to continue for a few minutes?

Ms. Linda Duncan: No. I have another meeting at 1:00, as I said at the beginning of the meeting.

The Chair: I wasn't pushing it past 1:00. I was going to 1:00 and we're not at 1:00 yet, so it's over there but it's not—

Ms. Linda Duncan: I have to get to Centre Block by 1:00.

The Chair: Thank you.

[*Translation*]

Ms. Christine Loth-Bown: This morning, I believe, the minister said she was open to the idea of studying future amendments.

Ms. Monique Pauzé: Thank you.

[*English*]

The Chair: Did you...?

Ms. Monique Pauzé: I'm done.

The Chair: Okay. Thank you very much.

I just want to thank all of you very much for being here with us. After we heard from all of the witnesses and saw the amendments that were coming forward, we did very much want this chance to question you in detail, so thank you very much for giving us that opportunity.

I will now end the meeting. Thank you.

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